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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,537	04/27/2001	Robert W. Baxter	9266-2	3743
20792	7590	06/15/2005	EXAMINER	
MYERS BIGEL SIBLEY & SAJOVEC PO BOX 37428 RALEIGH, NC 27627			CORRIELUS, JEAN M	
			ART UNIT	PAPER NUMBER
			2162	

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/844,537

Applicant(s)

BAXTER ET AL.

Examiner

Jean M Corrielus

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 12-16 and 23-27 is/are rejected.
- 7) ☒ Claim(s) 6-11, 17-22 and 28-33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to the Appeal brief filed on March 25, 2005, in which claims 1-33 are presented for further examination.

Response to Arguments

2. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

3. In view of the Appeal Brief filed on March 24, 2005, PROSECUTION IS HEREBY REOPENED. The rejections are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, 12-16 and 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eidson US Patent no. 5,923,557 and Srinivasan et al., (hereinafter "Srinivasan") US Patent no. 6,823,336.

As to claims 1, Eidson discloses the claimed limitations "storing a command for the controller in a database, wherein the command is selected from a group of commands consisting of a write command that is configured to write a value of a real-time process control variable to the controller and read command that is configured to read a value of a real time process control variable from the controller" as the means wherein the information in the database includes a set of device specific information for each of the process control devices detected by the mapping processor, wherein the device specific information for a particular process control device includes information such as the number of variables associated with the process control device, the triggering requirement, wherein in general, each variable associated with a process control device maps to a channel (col.4, lines 55-65). Eidson does not explicitly disclose the use of detecting the stored command in the database. Eidson, however discloses the use of obtaining a set of information pertaining to the process control wherein the information described the process control according to the predetermined device oriented protocol that corresponds to the standard interface (col.2, lines 55-62; col.4, lines 28-40 and 55-65), wherein the information in

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the database includes a set of device specific information for each of the process control devices detected by the mapping processor (col.4, lines 55-65). Eidson discloses also the use of “sending the detected command to the controller” as a way of passing the information to the mapping processor which has stored into the database the controllers (items 60, 61 and 62) (col.6, lines 3-32). On the other hand, discloses the use of detecting the stored command in the database (col.7, lines 3-12). Therefore, it would have been obvious to one of ordinary skill in the art of data processing, at the time the present invention was made to combine the teachings of cited references, wherein the process control system, provided therein (See Edison’s fig.3) would incorporate the use of detecting the stored command in the database. One having ordinary skill in the art at the time the invention was made would have found it motivated to utilize such a combination because that would provide Edison’s system the enhanced computing ability for enabling the application controller to communicate with the process control, thereby controlling the correspondence process control and decreasing the difficulty and cost of maintaining the process control system securing information delivery.

As to claims 2, Eidson discloses the claimed limitation “verifying that the stored command is a valid command for the controller” as obtaining information such as the triggering requirement (col.5, lines 22-29).

As to claims 3, Eidson discloses the claimed limitations “sending a write command that is configured to write a first value of a first real-time process control variable to the controller” by writing the interface specific configuration information in the device oriented interface database

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with appropriate values (col.5, lines 15-20); and “sending a read command that is configured to write a first value of a first real-time process control variable to the controller responsive to sending the write command that is configured to write the first value of the first real time process control variable to the controller” as reading the device specific information from the device dictionary and writing it to appropriate entries in the device oriented interface database (col.5, lines 43-47).

As to claims 4, Eidson discloses the claimed limitations “receiving a response from the controller responsive to sending the retrieved command to the controller” (col.6, lines 1-7); and “updating a status of the retrieved command sent to the controller in a command table in the database to indicate whether the retrieved command sent to the controller succeeded or failed” as updating the dictionary server attached to field bus as new process control device become available or modified in term of device specific information (col.5, lines 61-64).

As to claims 5, Eidson discloses the claimed limitation “updating the current value associated with the first real time process control variable in a tag in the table in the database with the first real time process control variable read from the controller responsive to receiving the response from the controller” as updating the dictionary server attached to field bus as new process control device become available or modified in term of device specific information (col.5, lines 61-64).

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As to claims 12-16:

Claims 12-16 are for system claims performing the methods of claims 1-5. They are similarly rejected.

As to claims 23-27

Eidson has computer program embedded in the computer can be used to performed Claims 23-27 are for computer readable medium containing instructions performed by the methods of claims 1-5. They are similarly rejected.

Allowable Subject Matter

6. Claims 6-11, 17-22 and 28-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reason for Indicating Allowable Subject Matter

7. The present application has been thoroughly reviewed. Upon extensive and exhaustive searches of various databases (see search notes in case jacket), the examiner respectfully submits that the claimed feature --providing a tag table in the database that comprises definitions of a plurality of real time process control variables, wherein each of the plurality of real time process control variables is associated with a monitoring frequency and a current value; periodically sending a read command that is configured to read a value of a real-time process control variable

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for respective ones of the plurality of real time process control variables from the controller based on the respective monitoring frequencies; and updating the respective current values for respective ones of the plurality of real time process control variables with the respective values of the real time process control variables read from the controller-- in the method, system and computer program of claims 6, 17 and 28 respectively and in conjunction with all other limitations of the dependent and independent claims would not found anticipated or obvious over the prior art made of record.

Conclusion


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean M Corrielus whose telephone number is (571) 272-4032. The examiner can normally be reached on 10 hours shift.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jean M Corrielus
Primary Examiner
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June 13, 2005